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Attorneys for Plaintiff Gary Odom

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

Gary Odom

Plaintiff,

v.

Attachmate Corporation et al,

Defendants.

Case No. 3:09-CV-406-MO

**UNOPPOSED MOTION TO STAY THE
LITIGATION**

L.R. 7.1 Statement

Defendants agree with and join in this request. Defendants wish to notify the Court that they may seek an additional stay pending the outcome of the Autodesk Litigation and/or the

resolution of an Ex Parte Petition for Reexamination recently filed by defendant SmartDraw.com, if appropriate, upon the expiration of the stay requested herein.

Motion

Plaintiff Gary Odom and Defendants (collectively “the Parties”) hereby request a stay of this litigation pending the outcome of a related case, and respectfully show the following:

This patent infringement case is a related litigation to two other lawsuits pending before this Court, *Odom v. Microsoft*, case number 3:09-cv-00230-MO (“the Microsoft Litigation”) and *Odom v. Autodesk*, case number 3:09-cv-00236-MO (“the Autodesk Litigation”).

During an earlier status conference, Defendants indicated their intent to file a Motion to Stay this case pending the outcome of the Microsoft Litigation. The Court set a briefing schedule for the Motion which is due to be filed on September 11, 2009. The parties have now agreed to jointly seek a stay of this litigation.

This case involves the same claims (8, 10 and 14) of the same patent (U.S. Patent No. 7,363,592 B1) at issue in the Microsoft Litigation. Consequently, there are several overlapping issues with the Microsoft Litigation, including claim construction, validity and infringement, rendering a stay appropriate. In addition, the Microsoft Litigation was filed several months before the present case and is significantly further along in terms of discovery and claim construction. In contrast, the Parties in the present litigation have not yet begun discovery or claim construction disclosures. The Parties believe a stay is appropriate at this time in order to avoid potentially unnecessary expense by the parties and unduly burdening the Court.

The parties do not seek a stay of this case for the purposes of delay, but instead to further the interests of justice and to preserve judicial economy. Accordingly, the parties respectfully request that the Court stay this case pending resolution of the Microsoft case, or until such time as i) the parties jointly request a lift of the stay or ii) a party requests that the stay be lifted for good cause shown.

Respectfully Submitted,

Dated: September 11, 2009

/s/ Edward W. Goldstein
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CERTIFICATE OF SERVICE

I certify that on September 11, 2009, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system. Any other counsel of record will be served by electronic transmission and/or U.S. mail.

/s/ Edward W. Goldstein
Edward W. Goldstein